1945.

File No. Cotton Cloth & Yarn Control II/4
Legal Department
.3 **BRANCH**

Subject:— Rules and Notifications under the Cotton Cloth and Yarn (Control) Orders 1943 and 1945

5/1945

File No. Cotton Cloth & Yarn Control/45—

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Office of the R.L.A.

A revised draft notification is sent herewith.

2. Sub-para (3) of para. 6 of the Textile Commissioner's Notification No.T.C. (12)/44 dated 14th October 1944 empowers the Controller to authorise certain officers to carry out the functions described in that sub-para. The "Controller" means the principal officer appointed by the Provincial Government for the administration of textile control (vide para. 1 of the notification). Even though the Provincial Govt. by its notification No. 755/VII dated 5th January 1945 at page 11 ante has appointed the Provincial Textile Controller for the purposes of the said Textile Commissioner's Notification, a notification under sub-para (3) of para 6 should issue under the designation of "Controller", Bombay" as the authorisation should be made by the Controller.

3. Under sub-para. (3) of para 6 of the Government of India, Department of Industries and Civil Supplies Notification No. T.C.(12)/44, dated 14th October 1944, in the case of cloth as well as yarn the markings shall be made within such period as the Controller may specify and under the supervision of an officer authorised by him in that behalf. Under this sub-paragraph the Controller can authorise any officer to supervise the markings of cloth and yarn but the power to specify the period within which the markings shall be made will remain with the Controller since under the sub-para the Controller has no authority to authorise any officer to exercise that power. It would therefore be necessary to specify in the draft notification the exact power which

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the authorised officer shall exercise. Under the sub-paragraph referred to above an importer is prohibited from unpacking a bale or case containing foreign cloth or foreign yarn, save with the permission and in the presence of an officer authorised by the Controller. As soon as the Controller authorises any officer to supervise the markings he shall automatically exercise this power and the importer will be bound to take permission of such officer to unpack a bale or case containing foreign cloth or foreign yarn and to unpack the same in his presence. The revised draft notification therefore authorises the specified officers only to supervise the markings of cloth and yarn.

Id/-

Remembrancer of Legal Affairs.

U.R. to F.D. (Supply) No. 3810, dated the 17th May 1945.

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Office of the R.L.A.

The proposal in these papers is to issue a notification under sub-clause (b) of clause 10B of the Cotton Cloth and Yarn (Control) Order, 1945, for the purpose of fixing maximum prices, ex-factory, wholesale and retail, of printed cloth and the manner of stamping prices thereon. The Provincial Textile Controller, in his note dated 9-6-1945 at page 24 ante, states that the power of fixing the prices etc. conferred by sub-clause (b) of clause 10-B should be delegated to the Provincial Textile Controller and the District Magistrates or any officer appointed by those officers. The F.D. (Supply) has apparently agreed to this proposal (page 37). But the draft notification sent to the R.L.A. for scrutiny at pages 41-43 ante which is to be issued by the Provincial Government fixes the maximum prices, ex-factory, wholesale and retail: (See clause 2 of the draft notification). It further specifies the markings to be made and the manner of making them. (See clause 3). The power of fixing prices, of specifying the markings and manner of making them, conferred by sub-clause (b) of clause 10B is thus exercised by the Provincial Government and it is not clear what further powers can be exercised by the Provincial Textile Controller or the District Magistrates, as the case may be. Clause 5 of the draft notification provides that the Provincial Government or the Price-fixing Authority may adapt such measures for sealing, stamping, price-marking or distributing of hand-printed cloths as may be deemed necessary for the administration of the provisions of the notification and may prescribe fees for valuing and price-marking

such cloth. It is not clear what powers are intended to be given by this clause to the Provincial Government and the Price-fixing Authority respectively as defined in the notification . F.D. (Supply) should state clearly the powers which it intends to give under this clause to the Provincial Textile Controller and to District Magistrates having regard to the provisions of sub-clause (b) of clause 10B.

2. If the intention is, as appers to be the case to authorise the Provincial Textile Controller to exercise the powers conferred by sub-clause (b) or clause 10B in respect of the City of Bombay and the Bombay Suburban District and the District Magistrate/ concerned in respect of other areas, it will be first necessary to issue a notification in pursuance of the provisions of clause 10B authorising the Provincial Textile Controller/ and the District Magistrates to exercise the powers conferred by sub-clause (b) in respect of particular areas. i.e. the Provincial Textile Controller in respect of the City of Bombay and the Bombay Suburban District, and the District Magistrates in respect of the areas over which they have jurisdiction. If such a notification is issued, it would be then competent for the provincial Textile Controller and the District Magistrates to issue notifications under sub-clause (b) of clause 10B for the purpose of fixing maximum prices of printed cloth and exercising other powers ~~xxf~~ conferred by that sub-clause. F.D. (Supply) should consider the ~~xxxxxx~~ point raised above and send, if necessary, two draft notifications, one to be issued by the Provincial Textile Controller and other by the ~~Xxxxxx~~ District

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the District Magistrates for R.L.A.'s scrutiny.

Id/-

for Remembrancer of Legal Affairs.

U.R. to F.D. (Supply), No. 6085,

dated the 15th August 1945

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